

1                                   **UNITED STATES BANKRUPTCY COURT**  
2                                   **EASTERN DISTRICT OF CALIFORNIA**

3 In re: )  
4 PATRICIA BEZAD, ) Case No. 20-23868-C-7  
5 Debtor. )  
6 \_\_\_\_\_ )  
7 J. MICHAEL HOPPER, in his ) Adversary No. 21-02047-C  
8 capacity as successor Chapter 7 )  
9 trustee of the Bankruptcy Estate )  
10 of Patricia Bezad, )  
11 Plaintiff, )  
12 v. )  
13 BABAK BAHMANPOUR, )  
14 Defendant. )  
15 \_\_\_\_\_ )

16                                   **Memorandum**

17           Plaintiff trustee of the estate of Patricia Bezad brought  
18 this action to recover damages resulting from Defendant  
19 exclusively occupying and failing to turnover property of the  
20 estate located at 18725 Redwing Street, Tarzana, California over  
21 an extended period of time.


22           Plaintiff filed the original complaint in this Adversary  
23 Proceeding on July 2, 2021. The complaint alleged counts for  
24 declaratory relief, turnover of the Tarzana Property, authority  
25 to sell the Tarzana Property, and damages. The Adversary was  
26 bifurcated into two parts: (1) trial on the resolution of the  
27 first three causes of action; and, if necessary, (2) trial on the  
28 amount of damages. Judgment on the first part was entered on  
behalf of the Plaintiff on January 15, 2024. The Judgment  
specifically noted that the claim for damages was not adjudicated  
and that the adversary proceeding would proceed further after the

1 trustee could reasonably ascertain the amount for damages after  
2 he sold the property.

3 An amended complaint was filed on August 8, 2024 seeking  
4 monetary damages based upon the fair rental value of the Tarzana  
5 Property during the extended period of time Defendant exclusively  
6 occupied and failed to turnover the Tarzana Property. The  
7 amended complaint alleged the monthly fair rental value of the  
8 Tarzana Property during the period Defendant occupied it is  
9 \$5,315.20. It is further alleged that Defendant occupied the  
10 Property for forty-three months. Additionally, the Trustee  
11 alleged he incurred costs of \$1,180.00 to clean and secure the  
12 Property after the Defendant surrendered the Property. No answer  
13 to the amended complaint was filed and Defendant's default was  
14 entered by the Clerk on August 29, 2024.

15 A hearing on Plaintiff's motion for default judgment was  
16 held on November 6, 2024. Plaintiff and Defendant appeared at the  
17 hearing on November 6, 2024. Defendant commented at the hearing  
18 on his perceived unfairness of the situation, however; at the  
19 hearing, Defendant did not contest the amount of the damages  
20 sought. Therefore, default judgment is proper and will be entered  
21 against the Defendant.

22 **Dated: November 08, 2024**

23  
24  
25   
26 United States Bankruptcy Judge  
27  
28

**INSTRUCTIONS TO CLERK OF COURT  
SERVICE LIST**

The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties:

Estela O. Pino  
1520 Eureka Rd., Suite 101  
Roseville, CA 95661

Babak Bahmanpour  
14804 Calvert Street  
Van Nuys, CA 91411